

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL TEKLEMARIAM  
HAGOS,

Plaintiff,

v.

MAHALIA KAHSAY, et al.,

Defendants.

CASE NO. C23-0251JLR

ORDER

Before the court is a filing by *pro se* Plaintiff Daniel Teklemariam Hagos entitled “Objection Order and Findings and Recommendations,” which the court construes as a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b)(1). (Mot. (Dkt. # 10).) The court DENIES Mr. Hagos’s motion.

On March 31, 2023, Magistrate Judge David W. Christel issued a report and recommendation in which he recommended that the court dismiss Mr. Hagos’s complaint because the three Defendants named in that complaint were not subject to suit under 42

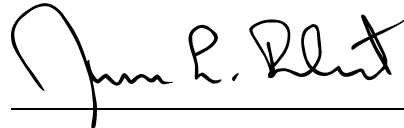
1 U.S.C. § 1983. (R&R (Dkt. # 5) at 3-5.) Before the April 14, 2023 deadline to file  
2 objections, Mr. Hagos filed two documents, which the court construed together as  
3 constituting Mr. Hagos’s objections. (4/21/23 Order (Dkt. # 8) at 1-2.) Neither of Mr.  
4 Hagos’s filings addressed whether Defendants were properly subject to suit. (*See* 4/3/23  
5 Misc. Doc. (Dkt. # 6); 4/7/23 Misc. Doc. (Dkt. # 7).) Nevertheless, the court reviewed  
6 the report and recommendation de novo and agreed with Magistrate Judge Christel that  
7 Mr. Hagos’s complaint failed to state a claim upon which relief could be granted.  
8 (4/21/23 Order at 3.) Accordingly, the court adopted the report and recommendation,  
9 dismissed Mr. Hagos’s complaint without leave to amend, counted the dismissal as a  
10 “strike” under 28 U.S.C. § 1915(g), and entered judgment. (*Id.* at 3-4; Judgment (Dkt.  
11 # 9).)

12 Federal Rule of Civil Procedure 60(b)(1) provides that, “on motion and just  
13 terms,” the court may relieve a party from a final judgment based on mistake,  
14 inadvertence, or excusable neglect. Fed. R. Civ. P. 60(b). The court finds that Mr.  
15 Hagos’s most recent filing again does not address whether Defendants are properly  
16 subject to suit under Section 1983, and Mr. Hagos has not met the standard for relief from  
17 judgment under Rule 60(b)(1). (*See generally* Mot.) Accordingly, the court DENIES  
18 Mr. Hagos’s motion for relief from judgment (Dkt. # 10). The court DIRECTS the Clerk  
19 not to accept any further filings from Mr. Hagos in this closed case aside from a notice of  
20 appeal.

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1 Dated this 5th day of May, 2023.

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4 JAMES L. ROBART  
5 United States District Judge  
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